

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

FRANK SAPPELL,

Defendant

Ind. No. 2:16-CR-00606 (ADS)(SIL)

DECLARATION PURSUANT TO
28 U.S.C. 1746

DEFENDANT FRANK SAPPELL, hereby states, under the penalties of perjury, the following:

1. This declaration is submitted pursuant to 28 U.S.C. §1746 and in support of Defendant Frank Sappell's motion for a modification of his sentence pursuant to 18 U.S.C. §3582(c)(1)(A)(i) and U.S.S.G. §1B1.13.
2. I am familiar with the facts stated herein and I declare the facts stated herein to be true and correct under the penalty of perjury.
3. I have been incarcerated in the Bureau of Prisons' system since August 29, 2018 when I self-surrendered.
4. I am 67 years old and suffer from an aortic aneurysm, a history of coronary artery disease dating back to at least 2009, hyperlipidemia, myocardial infarction, being overweight (by 29 pounds), and hypertension. In addition, I have received cardio angioplasty with the implant of four stents in 2009, and I have been diagnosed by Bureau of Prisons' doctors as "prediabetic" and having "borderline diabetes."
5. Since April 22, 2019, I have been employed as a tutor in the GED program for my fellow detainees at FCI Fort Dix. Prior to the mid-March end of classroom instruction as a result of the Coronavirus and COVID-19 pandemic, my formal duty schedule led me to teach six hours a day, five days a week. In

addition to this 30-hours-per-week schedule, I frequently worked on Saturdays or Sundays preparing for my weekday lessons, including typing of related course materials. Prior to my formal assignment as a GED Tutor on April 22, 2019, I had been working as a tutor intern starting on January 14, 2019.

6. Since the mid-March pandemic-related change in our protocols, I have been working on a daily basis tutoring detainee(s) in my housing unit on a one-on-one basis. In addition to this scheduled instruction, I have invited my individual students to stop by my room at any time to continue instruction on an as-needed basis.

7. Should the Court grant my request to serve the remainder of my sentence in home confinement, I plan on either renting an efficiency apartment suite with Embassy Suites or a similar firm in either Nassau County or western Suffolk County in New York, or renting an apartment approved by the Probation Department in the same vicinity, depending upon the logistical requirements of my release. I will immediately self-quarantine either in the efficiency suite or at the aforementioned rental apartment, within the guidelines and restrictions provided and imposed by the Probation Department overseeing my release conditions. I would live by myself, as both my son and daughter have homes that are occupied to their capacity.

8. I have substantial savings that I will rely upon until I turn 70 1/2 in December 2023, when I will apply for Social Security benefits. In the meantime, I hope to work for a not-for-profit organization in a facilities infrastructure or security capacity.

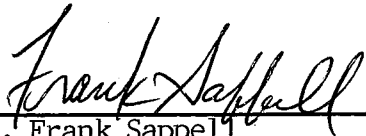
9. I will apply for health insurance in the New York Health network, and will resume seeing my cardiologist, Dr. Richard Shlofmitz. I will pay for the health insurance and treatment with my own savings or, if I am able to get a job, from my earnings.

10. My son or my friend Robert Schwartz can pick me up from Fort Dix and transport me to my new accommodations on Long Island. My attorney can provide my son's or Mr. Schwartz's contact information, should that help in the Court's or Probation Department's review of this application. My attorney can also provide my daughter's contact information.

11. I will agree to whatever conditions the Probation Department imposes on me with respect to its monitoring of my computer usage and communications, to insure that I will not, and cannot, reoffend. I will also comply with the conditions that Judge Spatt imposed upon me in my Judgment of Conviction in a Criminal Case.

12. I declare under the penalty of perjury that the foregoing is true and correct.

Dated: July 6, 2020
FCI Fort Dix, New Jersey



Mr. Frank Sappell
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